IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO: 1445 of 2005

Between:

D. Srinivasulu, S/o. D. Venkateswarlu,
Licencee of M/s. Sai Wines, Kanteru, Iragavaram Mandal,
West Godavari District.

.... PETITIONER

AND

1 The Commissioner of Prohibition and Excise,

Government of Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner for Prohibition and Excise,

Kakinada, East Godavari District.
3 The Prohibition and Excise Superintendent, Eluru, East

Godavari District.
4 The Prohibition and Excise Circle Inspector,

Prohibition and Excise Station,
Tanuku, West Godavari Distrit.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in not considering the application of the petitioner dated 25-10-2004 received on 16-12-2004 by the 4th respondent for shifting of his licenced premises from Kanteru to Kavalipalem, Iragavaram Mandal, West Godavari District as ilelgal arbitrary and consequently direct the 1st respondent to consider the application of the petitioner for shifting of the shop frm Kanteru Village to Kavalipalem forthwith in terms of rules 35(2) of A.P. IL & FL Rules 1973 and pass such other or further orders as the Hon'ble Court

Counsel for the Petitioner: MR.O.MANOHER REDDY
Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage, made the following :

ORDER:

The petitioner is an existing IL 24 licensee. He intended to shift his shop from Kanteru village of Iragavaram mandal of West Godavari District to Kavalipuram village of the same mandal, and made application in accordance with the relevant provisions of the A.P. Indian Liquor and Foreign Liquor Rules, 1970. His grievance is that the application is not being disposed of, and the respondents are taking extraneous considerations into account, in denying relief to the petitioner.

2. Heard learned counsel for the petitioner and learned Government Pleader for Excise.

3. Shifting of one licenced premises to another is governed by Rule 35 of A.P.I.L and F.L Rules, 1970. The Rule has been amended from time to time indicating the conditions to be satisfied by the applicants. If the petitioner has satisfied the conditions stipulated under Rule 35, as it stands now, necessary relief needs to be extended to him. On the other hand, if the petitioner does not comply with the same, he has to be informed of such lapses. Either way, there does not exist any justification for the respondent in keeping the application pending indefinitely.

4. Hence the writ petition is disposed of, directing the respondents to dispose of the application of the petitioner in accordance with Rule 35 of A.P.I.L and F.L Rules, 1970, within a period of four weeks from the date of receipt of copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 2.2.2005

Note: -

Issue C.C in two days

(B/o)

RAR

To

1 The Commissioner of Prohibition and Excise,

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5 2 CCs to G.P for Proh.& Excise, High Court Bldgs.

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